

REMARKS

Claims 1- 11 are pending and stand rejected.

Claims 1-6 are withdrawn.

Claims 7 and 10 have been amended to rewrite the claim in a manner to improve clarity. It is believed that no new matter has been added by these amendments.

CERTIFIED COPY of Priority Document

A Certified copy of FR 03.02532 is attached, as required for the grant of the March 3, 2003 priority date.

RESTRICTION

The Examiner has requested a Restriction, and Applicant has elected Group III, claims 7-11 for initial prosecution on the merits. Claims 1-6 have been withdrawn.

OBJECTION

Claims 7 and 10 stand objected to due to informalities. Claim 7 has been amended to more clearly state that the PVDF polymer comprises sodium acetate, less than 300 ppm of surface active agent, and the stated chain ends resulting from a persulphate initiator. The optional component is potassium alkylsulphonate. Claim 10 has been amended as suggested by the Examiner, for consistency.

DOUBLE PATENTING

Claims 7-11 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 7-11 of copending Application 10/791,226, and indeed are identical. The claims 7-11 of the copending Application are withdrawn, and will be cancelled when the present claims are allowed.

35 U.S.C. §102(b)

Claims 7-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by Blaise et al (US 4,025,709). The '709 reference fails to teach all of Applicant's claim elements, and therefore fails to present a *prima facie* case of anticipation. Specifically, the '709 reference fails to teach Applicant's (amended) claim element of a PVDF having less than 300 ppm of surface-active additive. As stated on page 1, line 28 to page 2, line 5 of the instant application, the '709 reference exemplifies levels of surfactant of between 550 and 2200 ppm, with the 2200 ppm being preferred and used in the majority of the Examples. Thus, the '709 reference does not teach the important element of less than 300 ppm surfactant, found in Applicant's amended claims.

35 U.S.C. §103(a)

Blaise in view of Sharma

Claims 7-9 stand rejected under 35 U.S.C. §102(b) as being unpatentable by Blaise et al (US 4,025,709) in view of Sharma et al, US 6,462,109. The Blaise reference fails to teach or suggest all of Applicant's claim limitations, and thus fails to present a *prima facie* case of obviousness. Specifically, the '709 reference fails to teach or suggest Applicant's (amended) claim limitation of a PVDF having less than 300 ppm of surface-active additive.

While the Examiner contends that the '709 reference is silent on the level of surface active additive, as described above the Examples of the '709 show surface active additive levels of 550 – 2200 ppm, with a preference for the 2200 ppm level. This not only fails to teach or suggest Applicant's claim limitation, but teaches away from Applicant's claim limitation. One of skill in the art would not be motivated by teachings of 550 – 220 ppm to arrive at Applicant's claim requirement of less than 300 ppm.

The '109 reference is a secondary reference cited to show that polymers may be made using a surfactantless system. In the extensive list of monomers useful in forming polymers by the '109 method are listed from column 8, line 50 to column 9, line 23. Neither vinylidene fluoride, nor any other fluoromonomer is listed. Thus the Examiner's argument that the polymers produced by the '109 and '709 references contain similar type vinyl-containing monomers is incorrect. One of skill in the art of fluoropolymers recognizes that the choice of a stabilizer for a fluoropolymer latex is an extremely tricky task. There is no motivation to combine a reference promoting a surfactant-less system that exemplifies only acrylic polymers

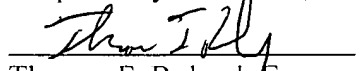
and mentions no fluoropolymers in a vast list of possible monomers, with a fluoropolymer latex system for which choice of surfactant is known to be highly critical to a stable latex. The '109 reference also makes no mention of sodium acetate.

Blaise in view of Wu

Claims 10-11 stand rejected under 35 U.S.C. §102(b) as being unpatentable by Blaise et al (US 4,025,709), in view of Wu et al, US 6,214,251. Claims 7-9 stand rejected under 35 U.S.C. §102(b) as being unpatentable by Blaise et al (US 4,025,709), in view of Sharma et al, US 6,462,109, in view of Wu et al, US 6,214,251. The Blaise reference and its failure to teach or suggest less than 300 ppm of surface-active additive is discussed above. The Sharma reference fails to heal the deficiencies of the Blaise reference, as it fails to describe any relation to a fluoropolymer. The Wu reference is cited as a secondary reference to show the use of a potassium alkylsulphonate in the polymerization process of a PVDF. The Wu reference fails to correct the defect of Blaise or Blaise plus Sharma, in teaching or suggesting Applicant's claim limitation of less than 300 ppm of a surface active additive. The Wu reference is silent on the amount of surface-active additive, or of and sodium acetate.

Since the cited reference fails to present a *prima facie* case of obviousness over the claims as amended, Applicant believes that the reasons for rejection have been overcome, and the claims herein should be allowable to the Applicant. Accordingly, reconsideration and allowance are requested.

Respectfully submitted,


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